

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

CHICO L. CHIGANO III,

Plaintiff,

v.

No.: 3:07-cv-20  
(VARLAN/SHIRLEY)

CORPORAL DANIELS and  
CORPORAL VITTATOE,

Defendants.

**MEMORANDUM OPINION**

This is a *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983. On June 12, 2007, the court entered a scheduling order in this case. Plaintiff's copy of that order, which was mailed to him at his last known address of the Knox County Detention Center, was returned undelivered on June 20, 2007, with the notation "no longer at this address." In the court's initial order, plaintiff was ordered to inform the court immediately of any address changes. Plaintiff was also advised that failure to provide a correct address within ten days following any change of address would result in the dismissal of this action.

In addition, the defendants have filed a motion to dismiss based upon plaintiff's failure to inform the court of his change of address. In support of that motion, the defendants have provided the affidavit of William Purvis, the Facility Commander of the Knox County Detention Center. Mr. Purvis testifies that plaintiff was released from the Knox County Detention Center on June 1, 2007. [Court File No. 15, Motion to Dismiss, Attachment 1, Affidavit of William Purvis].

Accordingly, the defendants' motion to dismiss will be **GRANTED** and this action will be **DISMISSED WITH PREJUDICE** for plaintiff's failure to prosecute and to comply with the orders of this court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App. P. 24.

**AN APPROPRIATE ORDER WILL ENTER.**

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE